

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

**IN RE: NATIONAL PRESCRIPTION
OPIATE LITIGATION**

Case No. 1:17-md-2804

Judge Dan Aaron Polster

**SUBMISSION OF THE MYLAN DEFENDANTS REGARDING
PLAINTIFF FACT SHEETS AND SERVICE OF PROCESS**

In accordance with the Court’s January 3, 2023 Order Regarding Plaintiff Fact Sheets and Service of Process, the Mylan Defendants (“Mylan”)¹ submit the attached list (Exhibit 1) of plaintiff subdivisions that named one or more of the Mylan Defendants but did not (1) timely serve a Plaintiff Fact Sheet (“PFS”) to the PFS Repository by the October 14, 2022 deadline in accordance with the Court’s October 6, 2022 Order² and/or (2) obtain timely service of process of one or more Mylan entities named in the listed case.³

Mylan has prepared this list to the best of its knowledge based on a reasonable investigation. Each Mylan Defendant expressly preserves and does not waive its individual rights, reservations, objections, arguments, and remedies, including with respect to service. For example and without limitation, any failure to list a case is inadvertent and not intended to waive any rights,

¹ References to Mylan include references to all entities in Mylan’s “Defendant Family” that are named in MDL cases. Dkt. No. 4380.

² Order Regarding Re-Service of Plaintiff Fact Sheets, Dkt. No. 4664 (directing “all governmental plaintiffs to re-serve their PFS . . . no later than Friday October 14, 2022”). To the extent a plaintiff subdivision contends that it served a PFS to some other repository or e-mail distribution list at some other time, but did not re-serve its PFS to the PFS Repository, it has been included on the list.

³ Not all Mylan Defendants are named in all cases. Mylan’s provision of an omnibus joint list is intended to streamline presentation of the case list only; each Mylan entity reserves all rights. Each case row relates only to the Mylan Defendant(s) named in that case. If multiple Mylan entities are named in a listed case, and the plaintiff(s) served some, but not all, named entities, the list will specifically identify only the *unserved* Mylan entity. If no Mylan Defendants are specifically identified, none was served in the listed case.

including arguments for dismissal. Despite diligent searches of the docket, Mylan may not have notice of all cases that have been filed against it if service has not been made. Further, per the Court's direction, Mylan has limited its list only to cases brought by plaintiff subdivisions and has excluded cases brought by other plaintiff types (e.g., Tribes, hospitals, third-party payors, etc.). In addition, per the Court's direction, Mylan has limited its list of cases to those involving failure to timely *serve* a PFS to the PFS Repository; Mylan has not at this time raised insufficient, deficient, or incomplete PFSs that were served to the PFS Repository.⁴ Mylan reserves its rights to raise these and other challenges at the appropriate time.

Dated: January 30, 2023

Respectfully submitted,

/s/ Rebecca C. Mandel

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Counsel for the Mylan Defendants

⁴ A number of fact sheets served to the PFS Repository were incomplete, did not include information necessary to evaluate those cases, or promised supplemental information that Mylan never received. For example, certain Plaintiffs provided fact sheets that included non-substantive responses such as, in full, "will supplement."

CERTIFICATE OF SERVICE

I hereby certify that the foregoing was electronically filed and served upon counsel of record by operation of the Court's CM/ECF System on January 30, 2023.

/s/ Rebecca C. Mandel